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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,612	02/09/2001	Hakon Nordquist	P65287US1	5741

136 7590 07/31/2003

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EXAMINER

EVANS, GEOFFREY S

ART UNIT	PAPER NUMBER
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1725

10

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/779,612

Applicant(s)

NORDQUIST ET AL.

Examiner

Geoffrey S Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 3-24, 27 and 30-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 25, 26, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1,2,25,26,28 and 29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no description in the specification as originally filed of a workpiece including at least one vibration damper, nor is it shown in the drawings.

2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is confusing and contradictory in claim 1 to recite that the at least one of the holder and the carrier structure includes the vibration damper and then in claim 2 recite that the vibration damper is between the holder and the workpiece or between the holder and the carrier structure. If the holder includes the vibration damper than the vibration damper cannot be between the holder and anything else because it is part of the holder. Similarly if the carrier includes the vibration damper than the vibration damper cannot be between the carrier and anything else.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1,2,25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee, Jr. in U.S. Patent No. 4,530,507. Lee, Jr. discloses a fixed carrier structure (28), a holder (elements 36 and 42) that includes a vibration damper (element 50). As shown in figure 4, bolts 40 are used to bolt the holder to the support structure.

5. Claims 1,2,25,26,28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kowalski et al. in U.S. Patent No. 4,309,849. Kowalski et al. discloses a workpiece (22), a holder (34) including parts for holding the workpiece (42,46) that are made of a rubbery material (see column 3, lines 12-14), and a carrier structure (spindle 54). The fastener 62 is screwed to ensure accurate positioning and direct contact between the holder and the workpiece.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Nogami et al. in Japan Patent No. 8-117,968. Nogami et al. has a holder with holding parts (39,40) for holding the workpiece (A) and holding parts (41) for connecting the holder to a carrier structure (see element 11 in figure 1), and at least one vibration damper (element 22).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski et al. in view of United Kingdom Patent No. 1,051,548. United Kingdom Patent No.

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1,051,548 teaches having the dampening material (element 22) in a recess of the carrier (element 18). It would have been obvious to adapt Kowalski et al. in view of United Kingdom Patent No. 1,051,548 to provide this to ensure that the dampening material is in the proper position.

9. Applicant's arguments filed May 16, 2003 have been fully considered but they are not persuasive. Applicant argues that the rolls (element 50) in Lee do not serve to dampen vibrations. This is not correct since Lee specifically states in column 2, lines 60-64 that "the vibration dampening members comprise disk shaped rollers 50".

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Switzerland Patent No. 665-985 discloses a dampening system for a workpiece.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S Evans whose telephone number is (703)-308-1653. The examiner can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (703)-308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-305-7718 for regular communications and (703)-305-5585 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0661.

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A handwritten signature in black ink, reading "Geoffrey S. Evans". The signature is written in a cursive style with a large, stylized "G" and "E".

Geoffrey S Evans
Primary Examiner
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GSE

July 28, 2003